



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,956	02/28/2006	Wataru Yoshizaki	05-92 SUS	3065
21254 7590 02/24/2009 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER WALSH, DANIEL I				
ART UNIT		PAPER NUMBER		
2887				
MAIL DATE		DELIVERY MODE		
02/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/569,956

Applicant(s)

YOSHIZAKI, WATARU

Examiner

DANIEL WALSH

Art Unit

2887

All participants (applicant, applicant's representative, PTO personnel):

(1) DANIEL WALSH.

(3) _____.

(2) Joseph Hrutka.

(4) _____.

Date of Interview: 18 February 2009.

Type: a) ☐ Telephonic b) ☐ Video Conferencec) ☒ Personal [copy given to: 1) ☐ applicant2) ☒ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yese) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1 and newly proposed claims.

Identification of prior art discussed: Partyka and Kolls of record.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner Walsh indicated that the changes had overcome the 112 rejection. Examiner Walsh also indicated that a dynamically calculated predetermined number based on sales does not appear to be taught by Schwartzendruber of record, which teaches a fixed/static predetermined number. Examiner Walsh and Mr. Hrutka reviewed the prior art of record and discussed the previous Office Action. No agreement to claims was made.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/DANIEL WALSH/
Primary Examiner, Art Unit 2887